

T-2260

**UNITED STATES**  
**DEPARTMENT OF THE INTERIOR**  
**OFFICE OF INDIAN AFFAIRS**

**CORPORATE CHARTER**  
**OF THE**  
**SOUTHERN UTE TRIBE, COLORADO**

**RATIFIED NOVEMBER 1, 1938**

**UNITED STATES**  
**GOVERNMENT PRINTING OFFICE**  
**WASHINGTON : 1939**

# CORPORATE CHARTER OF THE SOUTHERN UTE TRIBE, COLORADO

## A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934

Whereas, the Southern Ute Tribe of the Southern Ute Reservation in Colorado constitutes a recognized Indian tribe organized under a constitution and by-laws ratified by the Tribe on September 12, 1936, and approved by the Secretary of the Interior on November 4, 1936, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Southern Ute Tribe of the Southern Ute Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least 30 per cent of the eligible voters vote.

*Corporate  
Existence.*

1. In order to further the economic development of the Southern Ute Tribe of the Southern Ute Reservation in Colorado by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Southern Ute Tribe."

*Perpetual  
Succession.*

2. The Southern Ute Tribe shall, as a Federal Corporation, have perpetual succession.

*Membership.*

3. The Southern Ute Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

*Management.*

4. The Council of the Southern Utes established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

*Corporate Powers.*

5. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws:

(a) To adopt, use and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following

limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water rights, and mineral rights, now or hereafter held by the Tribe.

(2) No leases, permits (which term shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Southern Ute Reservation shall be made by the Tribe for a longer term than ten years, except when authorized by law, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative.

(3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Southern Ute Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands or other lands of members of the Tribe, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive

tribal enterprises, or to loan money thus borrowed to individual members or association of members of the Tribe: *Provided*, That the amount of indebtedness to which the Tribe may subject itself, except for indebtedness to the Indian Credit Fund, shall not exceed \$5,000, without the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of the Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Colorado, including agreements with the State of Colorado for the rendition of public services: *Provided*, That any contract involving payment of money by the Tribe in excess of \$1,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: *Provided*, That no such assignment of tribal income, other than an assignment to the United States, shall extend more than ten years from the date of execution nor cover more than one-half the net tribal income from any one source: *And provided further*, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States, to the levy of any judgment, lien or attachment

upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

*Termination of  
Supervisory  
Powers.*

6. Upon the request of the Council of the Southern Utes for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) 2, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Tribe residing on the reservation shall vote. If at any time after ten years from the effective date of this Charter such request shall be made and the Secretary shall disapprove it, or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Council of the Southern Utes to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

*Corporate Property.*

7. No property rights of the Southern Ute Tribe as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

*Corporate  
Dividends.*

8. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits or income in any one year amounting to a distribution of more than one-half of the accrued surplus shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

*Corporate  
Accounts.*

9. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

*Amendments.*

10. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council of the Southern Utes which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

*Ratification.*

11. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Southern Ute Tribe living on the Southern Ute Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Consolidated Ute Agency and the Chairman of the Council of the Southern Utes.

Submitted by the Assistant Secretary of the Interior for ratification by the Southern Ute Tribe of the Southern Ute Reservation.

**OSCAR L.**

**CHAPMAN,**

*Assistant Secretary of the Interior.*

[SEAL]

**WASHINGTON, D. C., July 11, 1938.**

**CERTIFICATION**

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on July 11, 1938 by the Assistant Secretary of the Interior to the Southern Ute Tribe of the Southern Ute Reservation, Colorado, was duly submitted for ratification to the adult Indians living on the Reservation and was on November 1, 1938 duly adopted by a vote of 78 for and 3 against, in an election in which over thirty per cent of those entitled to vote cast their ballots, this election having been duly called by the order of the Assistant Secretary of the Interior dated October 22, 1938, and the election originally called by the Assistant Secretary of the Interior having been duly postponed.

**ANTONIO**

**BUCK, Sr.,**

*Chairman, Council of Southern Utes.*

**S. F. STACHER,**

*Superintendent, Consolidated Ute Agency.*